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COUNSEL FOR SCOTT SEIDEL, TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	Chapter 7
	§	
WALNUT HILL PHYSICIANS	§	Case No. 17-32255-bjh-7
HOSPITAL, LLC,	§	
	§	
Debtor.	§	

**TRUSTEE’S MOTION FOR EXPEDITED HEARING
ON MOTION FOR RULE 2004 EXAMINATION OF AMERICA TARECTECAN**

TO THE HONORABLE BARBARA J. HOUSER, U.S. BANKRUPTCY JUDGE:

COMES NOW Scott M. Seidel, the duly-appointed Chapter 7 trustee (the “Trustee”), for the estate (the “Estate”) of Walnut Hill Physicians Hospital, LLC (the “Debtor”) in the above styled and numbered bankruptcy case (the “Bankruptcy Case”), and files this his *Motion for Expedited Hearing on Motion for Rule 2004 Examination of America Tarectecan*, respectfully stating as follows:

1. America Tarectecan was the last CFO of the Debtor. As such, she certainly has highly relevant information concerning the Debtor’s finances, transactions, assets, liabilities, and prepetition actions.

2. The Trustee has wanted to interview her for some time: to discuss prepetition transfers; alleged 503(b)(9) claims; numerous errors to, and omissions from, the schedules and

statements;¹ accounts receivables; prepetition bank statements and records; and the actions of the Debtor's officers and directors.

3. On April 3, 2018, Ms. Tarectecan agreed to an informal interview on April 20, 2018. Due to that agreement, the Trustee decided not to file a formal motion. Today, Ms. Tarectecan cancelled the interview, apparently intending to not have an informal interview at all.

4. Accordingly, concurrently herewith, the Trustee filed his *Expedited Motion for Rule 2004 Examination of America Tarectecan*, (the "Rule 2004 Motion"), seeking to examine, by oral deposition, Ms. Tarectecan.

5. Grounds to expedite the Rule 2004 Motion exist. Multiple parties have filed applications for the allowance of section 503(b)(9) claims and other administrative claims. The Trustee's deadlines to respond to the same will begin in June, 2018. The Trustee believes that Ms. Tarectecan will be able to offer material information regarding these. Moreover, the Trustee is in final negotiations with various preference defendants, on account of which he needs to discuss alleged defenses with Ms. Tarectecan. Finally, the Trustee, with Capital One, continues to attempt to collect the remaining accounts receivables. Ms. Tarectecan has information on that matter as well.

6. Therefore, expediting the matter is necessary to preserve value for the Estate and to enable the Trustee to defend the Estate. Expedited relief would not have been necessary had Ms. Tarectecan cancelled her scheduled interview two (2) days before the interview. Nor could Ms. Tarectecan, as the former CFO, really believe that she would not eventually be interviewed by the Trustee.

¹ The SOFA in particular fails to disclose millions of dollars in prepetition transfers, including to insiders, which were learned of only after the Trustee obtained the bank records from Capital One, N.A., pursuant to a separate Rule 2004 motion.

7. Nor will Ms. Tarectecan suffer any prejudice, or any prejudice she will suffer will be minimal compared with the Estate. Ms. Tarectecan will have all rights to legal counsel and all applicable privileges. While the Trustee is investigating potential claims and causes of action against former officers and directors, the Trustee is not aware of any such claim against Ms. Tarectecan and does not, at this time, suspect that any such claim against Ms. Tarectecan exists.

8. The Trustee believes that a hearing on the Rule 2004 Motion will take ten minutes or less. No complicated briefing or discovery, or extensive evidentiary presentation, is required.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that the Court grant this Motion and set an expedited hearing on the Rule 2004 Motion the week of April 23, 2018.

RESPECTFULLY SUBMITTED this 18th day of April, 2018.

MUNSCH HARDT KOPF & HARR, P.C.

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**ATTORNEYS FOR SCOTT SEIDEL,
TRUSTEE**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that he advised America Tarectecan of the filing of this Motion and specifically regarding the expedited consideration of same, and that she should forward same communication to counsel employed by her, if any, and that, as of the filing hereof, no response was received thereto.

By: /s/ Thomas Berghman
Thomas D. Berghman, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this the 18th day of April, 2018, true and correct copies of this document were electronically served by the Court's ECF system on parties entitled to notice thereof, including on America Tarectecan via e-mail at autarectecan@yahoo.com, which email the undersigned certifies has been used to communicate with Ms. Tarectecan previously, including on April 18, 2018, and via US Mail First Class, Postage Prepaid and FedEx overnight on Ms. Tarectecan at the following addresses:

America Tarectecan 8707 Southwestern Blvd Apt 1627 Dallas, TX 75206-8272	America Tarectecan 2359 Shackleford Trail Grand Prairie, TX 75052-8598
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By: /s/ Thomas Berghman
Thomas D. Berghman, Esq.